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transportation upon whose soundness will almost certainly depend many lives. *Olds Motor Works v. Shaffer*, 145 Ky. 616; *Quackenbush v. Ford Motor Co.*, 153 N. Y. S. 131. Certainly as a question of fact it is not difficult to see that there is a vital distinction between the horse-drawn vehicle, with its inevitable limitations of speed and capacity, and the modern motor car whose reliability is daily being subjected to more and more severe tests and, accordingly, whose potential danger is steadily rising. The only conceivable objection is that raised by the minority opinion, namely, that in view of its theoretical analogy to non-dangerous articles, the law of the motor should be amended by statute rather than by judicial interpretation.

C. B.

TELEGRAPHS AND TELEPHONES—NEGLIGENT DELAY IN DELIVERY—DAMAGES FOR MENTAL ANGUISH.—*LAWRENCE V. WESTERN UNION TEL. CO.*, 88 S. E. (N. C.) 226.—Because of negligent delay of defendant in delivering a telegram to the plaintiff, a negro, he was thereby prevented from attending the funeral of a friend, a white man. *Held*, that mental anguish having been shown, the plaintiff could recover compensatory damages. *Brown, J., dissenting.*

At common law there can, as a general rule, be no recovery of compensatory damages for mental suffering unaccompanied by physical injury. *Connolly v. Western Union Tel. Co.*, 100 Va. 51; *W. U. Tel. Co. v. Skar*, 126 Fed. 295; unless such mental suffering results from a willful or malicious wrong of defendant. *W. U. Tel. Co. v. Rogers*, 68 Miss. 748. This general rule also applies to cases where, through the negligent delay of defendant, the plaintiff has been prevented from being present at the bedside before death or from attending the funeral of a close relative. *Davis v. W. U. Tel. Co.*, 46 W. Va. 48; *Rowan v. W. U. Tel. Co.*, 149 Fed. 550. Several states follow the rule that for mental anguish in such cases, the plaintiff can recover special damages only where such were within the reasonable contemplation of the parties. *W. U. Tel. Co. v. Hogue*, 79 Ark. 33; *W. U. Tel. Co.*, 87 Tex. 165. Other cases hold that such damages may be recovered only where the telegraph company had notice from the language of the message or otherwise, that by reason of its default or negligence such damage would likely ensue. *Williams v. W. U. Tel. Co.*, 136 N. C. 82; *Clay v. W. U. Tel. Co.*, 78 S. C. 109. Some states hold to the doctrine that recovery may be had if the relationship between the parties is close, such as husband and wife, parent and child, brother and sister. *W. U. Tel. Co. v. Benson*, 159 Ala. 254; *W. U. Tel. Co. v. De Andrea*, 45 Tex. Civ. App. 395. And in these cases mental anguish is presumed. But if the family relationship is more remote or by marriage only, then mental anguish must be proved, in the jurisdictions allowing recovery for mental suffering alone. It is apparent from the cases in jurisdictions following the minority rule, that the relation between the parties was that of blood or marriage relationship. But in the principal case, that element is entirely disregarded, as one is a negro and the other a white.

L. W. B.